

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TONY MALONE,)	
)	CASE NO. 1:15CV1652
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
MICHELLE MILLER,)	
)	
Defendant.)	<u>MEMORANDUM OF OPINION AND</u>
		<u>ORDER</u> [Resolving ECF No. 11]

Pro se Petitioner Tony Malone filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. [ECF No. 1](#). Respondent Michelle Miller filed the Return of Writ. [ECF No. 9](#). Petitioner filed the Traverse to Return of Writ. [ECF No. 10](#). Over eight month's later, Petitioner filed a motion to withdraw his petition. [ECF No. 11](#). On November 3, 2016, Magistrate Judge Jonathan D. Greenberg issued a report ([ECF No. 16](#)) recommending the *pro se* Petitioner's Motion to Withdraw be denied.¹

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within fourteen (14) days after service. Objections to the magistrate judge's report due on November 20, 2016.² Petitioner has not filed any objections to the magistrate judge's report and

¹ *Pro se* petitions for habeas corpus filed under 28 U.S.C. § 2254 are referred to a magistrate judge for preparation of a report and recommendation pursuant to [Local Rule 72.2\(b\)\(2\)](#).

² Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the fourteen-day time period because Plaintiff was served the Magistrate Judge's Report by mail. *See*

(continued...)

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recommendation. Any further review by the Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); Howard v. Sec'y of Health and Human Servs., 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947, 949–50 (6th Cir. 1981).

Accordingly, the Court adopts the magistrate judge's Report and Recommendation. Petitioner's Motion to Withdraw (ECF No. 11) is denied.

IT IS SO ORDERED.

December 21, 2016
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

²(...continued)
Thompson v. Chandler, 36 F. App'x. 783, 784 (6th Cir. 2002).